

**TOWN OF DAVIE
REGULAR MEETING
APRIL 19, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Mike Crowley, and Councilmembers Caletka, Paul (arrived at 7:31 p.m.) and Starkey. Also attending were Acting Town Administrator Cohen, Town Attorney Monroe Kiar and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. Employee Recognition - Mark Alan, Human Resources Management Director
Human Resources Management Assistant Director El Pagnier Hudson presented the Town's 4th Quarter Employee Recognition Award to Community Affairs Representative Marge Jozwiak.

3.2. Love to Read, Love to Achieve Reading Program - Shirley Taylor-Prakelt, Housing and Community Development Director
Director of Housing and Community Development Shirley Taylor-Prakelt introduced Perry Hinton, who presented Love to Read, Love to Achieve awards to Town staff who participated.

3.3. National Community Development Week - Shirley Taylor-Prakelt, Housing and Community Development Director
Ms. Taylor-Prakelt presented Kelsie Harlow, representing Housing and Urban Development, with a proclamation declaring April 17th-23rd as National Community Development Week.

3.4. National Fair Housing Month - Shirley Taylor-Prakelt, Housing and Community Development Director
Ms. Taylor-Prakelt announced the winners of the 2005 Fair Housing poster contest. Armando Fauna, representing Housing and Urban Development, commended the Town for its efforts for fair housing. Bill Thompson, representing HOPE, spoke of the Town's partnership with HOPE.

3.5. Florida Housing Finance Corporation- Terry Santini
Terry Santini spoke of the need to consider various affordable housing alternatives countywide, citywide and statewide. She discussed the difficulties in hiring core personnel due to rising housing and land costs. Ms. Santini addressed the \$300 million in government funding that would be available for Broward County this year and encouraged the Town to take advantage of this funding. She urged Council to look at developments, high transit routes, waiving fees and increasing density in order to improve affordable housing opportunities.

Councilmember Starkey asked if the County's list of properties available for acquisition was available to the Town. She felt setting up a loan subsidy program for these properties was an option. Mr. Cohen stated that the list was available. Councilmember Starkey felt this issue required a workshop.

3.6. I-595 Transit Alternatives - Steven Braun, Florida Department of Transportation
Steve Braun, representing the Florida Department of Transportation (FDOT), described alternatives being developed to improve the I-595 transit system and of the goals of the PD & E study.
Vice-Mayor Crowley objected to elevated transit proposals as he felt it would overburden the Town. Councilmember Caletka commended FDOT on the proposals presented and spoke of the need to prepare for future transit needs. Councilmember Starkey spoke of Council's concerns about traffic

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burdens and asked if the noise study had to focus on only one design. Mr. Braun explained that various alternatives had been explored with the noise study along with their impacts on different communities. Councilmember Starkey pointed out that FDOT needed the Town's approval for its proposed designs for funding. She stated Council was reluctant to support any concepts that did not protect the Town's residents. She also opposed designs with elevated transit to the south and felt the north was a more logical location.

Councilmember Paul felt the alternatives should be discussed further and she asked that a resolution be prepared addressing Council's desires. Mayor Truex observed that Council was generally unhappy with the alternatives presented. Councilmember Paul felt Council should come up with an approach that spread out funding instead of applying it all to transit. Councilmember Starkey stated that the only resolution the Town supported was having traffic in the centerline, mutually shared.

Mayor Truex announced that item 4.11 needed to be tabled to May 3, 2006.

Nectaria Chavez, representing the applicant, explained that more time was needed to meet with the residents.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that items 4.23 and 6.7 needed to be tabled to May 3, 2006.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 6.3 needed to be tabled to May 17, 2006. Mr. Cohen explained that the applicant needed more time to check ownership.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 6.8 needed to be tabled to June 7, 2006. Development Services Director Mark Kutney explained that the Planning and Zoning Division needed more time to complete required surveys.

Councilmember Starkey advised that she had spoken with a resident who was concerned about signed documentation needed from Mr. Stan Wood. Mr. Kutney explained staff was awaiting the complete packet including the survey.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 4.13 needed to be tabled to June 21, 2006.

Councilmember Paul made a motion, seconded by Mayor Truex, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex asked why item 4.20 was withdrawn. Mr. Cohen explained that staff would bring this issue back to Council after the 26th Street issues had been resolved. Councilmember Paul felt this item should be explored with the view toward an expanded traffic master plan.

Mayor Truex announced that item 4.25 needed to be added.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

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4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. February 15, 2006 (Regular Meeting)
- 4.2. March 1, 2006 (Special Executive Session)
- 4.3. March 1, 2006 (Regular Meeting)

Proclamations

- 4.4. Crime Victims' Rights Week (April 23 - 29, 2006)
- 4.5. Days of Remembrance (April 23 - 30, 2006)
- 4.6. Volunteer Recognition Day (April 28, 2006)
- 4.7. National Day of Prayer (May 4, 2006)
- 4.8. Dimitry "Dean" Alexander Day (May 5, 2006)
- 4.9. Peace Rangers Day (May 4, 2006)
- 4.10. National Public Works Week (May 21 - 26, 2006)

Resolutions

- 4.11. **PETITIONER REQUESTING A TABLING TO MAY 3, 2006**
PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "LORSON ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 8-3-04, Lorson Estates, 1275 SW 130 Avenue) (tabled from March 1, 2006) *Planning and Zoning Board recommended denial*
- R-2006-113 4.12. **AFTER SCHOOL DAYCARE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF SUNSHINE AFTER SCHOOL CHILD CARE, INC. TO PROVIDE AFTER SCHOOL DAYCARE PROGRAMS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES. (tabled from April 5, 2006)
- 4.13. **HOMELESSNESS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING "A WAY HOME" BROWARD COUNTY, FLORIDA'S TEN-YEAR PLAN TO END HOMELESSNESS. (tabled from April 5, 2006)
- R-2006-114 4.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE FIRM OF MAYER, HOFFMAN, MCCANN, PC TO PROVIDE FORENSIC AUDITING SERVICES AND PROVIDING AN EFFECTIVE DATE. (tabled from April 5, 2006)
- R-2006-115 4.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE TO UTILIZE THE BERGERON RODEO GROUNDS FOR AN EDUCATIONAL PROGRAM AND WAIVE RENTAL FEE. (\$750 arena rental fee waiver)

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- 4.16. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-116 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN AGUA DE BEBER, INC AND THE TOWN OF DAVIE TO LEASE THE
BERGERON RODEO GROUNDS FOR A BRAZILIAN HERITAGE FESTIVAL.
(Brazilian Heritage Festival - \$2,000 arena rental fee)
- 4.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-117 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN ISLAND MUSIC AWARDS, INC, AND THE TOWN OF DAVIE TO
RENT THE BERGERON RODEO GROUNDS FOR A CARIBBEAN FESTIVAL.
(\$1,000 arena rental fee)
- 4.18. **FUNDING APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-118 FLORIDA, AUTHORIZING AN APPLICATION FOR \$340,256 IN FUNDING FROM
THE 2006 TRANSPORTATION ENHANCEMENT PROGRAM FOR LANDSCAPING
AND OTHER ENHANCEMENTS ALONG OAKES ROAD AT ITS GATEWAY WITH
STATE ROAD 7. (no matching funds required)
- 4.19. **THEATER EXPENDITURES** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-119 FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ISSUE A FLOATER
CREDIT CARD TO THE ACTORS COMMUNITY THEATER OF DAVIE FOR
THEATER EXPENDITURES.
- 4.20. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
REQUESTING AUTHORIZATION FOR THE EXPENDITURE OF \$6,000.00 FOR
AN ENGINEERING FIRM FOR THE PURPOSE OF CONDUCTING A
CHARRETTE.
- 4.21. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-120 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE NON-
VEHICULAR ACCESS LINE ON THE PLAT KNOWN AS "PARCEL A" OF THE
VILLAGE TOWNHOUSE DAVIE" PLAT AND PROVIDING AN EFFECTIVE
DATE. (DG 2-1-06, Davie Crossing, 6900 SW 39 Street)
- 4.22. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-121 THE APPLICATION FOR A \$25,000 GRANT FROM THE URBAN & COMMUNITY
FORESTRY GRANT PROGRAM; AND AUTHORIZING ACCEPTANCE AND
EXECUTION OF THE GRANT, IF AWARDED (WITH \$27,000 CASH AND IN-
KIND MATCH).

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Quasi-Judicial Consent Agenda

4.23. PETITIONER REQUESTING A TABLING TO MAY 3, 2006

SP 8-12-04, Lorson Estates, 1275 SW 130 Avenue (A-1) (tabled from March 1, 2006) *Site Plan Committee recommended approval based on the planning report and the rezoning; that on the site plan, take the entrance feature wall and mirror it on both sides of the entry and increase it to approximately 35-feet long in order to buffer the side entry garages; access lot number four from the side street; label models on the floor plan so that they are clear; readdress the landscaping along the perimeter buffers, specifically SW 14 Street, because it does not appear to be any type of buffer to the neighbors across the street; on model number one, add shutters to the front window, look at the gable over the garage, correct the rear elevation and make it correct to the actual configuration; on model two, look at the front fake balcony as possibly being a real balcony or a large recessed window; show the "box outs" on the floor plan that represent the architectural elements on the front; offer three different colors for the brick pavers for the driveways; add windows with some decoration to each garage; and show the roof slope at "4 to 12" and would recommend a steeper slope to give it more presence*

- 4.24. SP 3-5-05, Rodeo Village, 5250 South University Drive (RM-10 and A-1) *Site Plan Committee recommended approval based on the planning report and the following items: 1) that a wall be placed on University Drive, particularly at the rear of the two end buildings (If for some reason the wall is not allowed by another agency, at least double or triple the amount of landscaping for those two end units.); 2) that the rear patios will be part of the actual design of the buildings and they would not be removed; 3) the islands in the center of the roadway are to be changed to pavers and speed humps as per engineering design; 4) regarding the a/c units, the applicant will look at removing them from the upper third-floor balconies and lower them to grade; 5) the unit design that has the side entry front door, look at putting those on the front of the building with some sort of a cover towards the front; 6) add gutters to the upper balconies; 7) any banding should be stucco band, not foam; 8) remove the Coco-Plum hedge at the south property line behind the buildings only; 9) raise the height of the barn in order to allow eight-foot tall barn doors; and 10) apply to Central Broward to vacate the 20-foot drainage easement on University Drive*

Mayor Truex pulled items 4.4, 4.5, 4.8, and 4.9. Councilmember Caletka pulled items 4.12 and 4.18. Vice-Mayor Crowley pulled items 4.3 and 4.14. Councilmember Paul pulled items 4.24 and 4.1. Mayor Truex also pulled item 4.15.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the Consent Agenda minus items 4.1, 4.3, 4.4, 4.5, 4.8, 4.9, 4.12, 4.14, 4.15, 4.18 and 4.24. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Councilmember Paul requested that this item be tabled.

Councilmember Paul made a motion, seconded by Mayor Truex, to table to May 3, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3 Vice-Mayor Crowley and Councilmember Starkey provided corrections along with Mr. Kiar.

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Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table to May 3, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Mayor Truex read the proclamation.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.5 Councilmember Starkey read the proclamation, which was presented, to Gail Nathan.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Mayor Truex read the proclamation declaring May 5, 2006, Dimitry "Dean" Alexander Day. He spoke of Mr. Alexander's book and commended his efforts on behalf of the Town. Councilmember Starkey spoke of the technological improvements Mr. Alexander had brought to the Town. Councilmember Paul requested that a nameplate be placed on the center chair in the second row where Mr. Alexander always sat. Council agreed with this request.

Keith Alexander thanked the Town for recognizing his father's efforts.

Special Projects Director Bonnie Stafiej spoke of the dedication to be held in memory of Mr. Alexander at 11:30 a.m. on May 5 at the Pine Island Park Multipurpose Center.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.9 Councilmember Caletka read the proclamation declaring May 4, 2006 as Peace Rangers Day.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.15 Ms. Stafiej explained that the Broward County School Board had requested that Council strike a portion of the clause referring to certain rights because the School was self-insured. Mr. Kiar referred to paragraph 4 and agreed with the request to remove the insurance requirement. However, he questioned why the School Board wanted to remove the hold harmless indemnification clause and recommended that this provision remain in the paragraph.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve, subject to language in Section 4 being amended to include language acceptable to the Town Attorney. In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Councilmember Caletka made a motion, seconded by Mayor Truex, to approve.

Dennis Andresky, Parks and Recreation Director, advised that the bid process was complete. He referred to documentation comparing both bid responses and advised that Sunshine After School Care had submitted all the proper requirements.

Councilmember Starkey was concerned with the provision for special needs children. She questioned why no one had contacted the YMCA regarding any discrepancies in the request for proposal.

Colleen Arendt, Executive Director of Sunshine Child Care, spoke of the program's background and advised that it provided for special needs children. Councilmember Paul asked if Sunshine was the School Board's choice. Ms. Arendt indicated that Sunshine was one of the providers.

Shirleen Johnson, Executive Director of Children's Services for the YMCA, stated that they were surprised to learn that their request for proposal had not been completed properly. Mr. Cohen explained

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that the YMCA application had not been considered due to the error in their statement of fees. Councilmember Starkey felt the YMCA had provided the required information and spoke of parents of special needs children who were concerned about the changes in service. Mayor Truex recalled the Town's past problems in the bid procurement process and did not want to circumvent the process.

In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

4.14 Vice-Mayor Crowley asked Budget and Finance Director William Underwood what he expected the overall audit to cost the Town due to the numerous different fees. Mr. Underwood felt the study could cost over \$100,000 depending on the scope set by Council. Vice-Mayor Crowley clarified that the presentation that was previously made by the vendor was to only look at the situation.

Councilmember Caletka stated that if the consultant found no other problems, the cost would be \$16,000. Councilmember Starkey felt that if a problem was found, the Town might be able to recover this cost with insurance proceeds.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve subject to the cost not exceeding \$16,000 in the first phase and any additional fees being approved by Council. In a voice vote, all voted in favor. (Motion carried 5-0)

4.18 Councilmember Caletka asked about the purpose of this grant. Deputy Planning and Zoning Manager Marcie Nolan explained the current plans to enhance the area.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.24 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses. Ms. Nolan summarized the planning report.

Councilmember Paul voiced her concern about the single car garage and the narrow roadway, which she felt could lead to problems with parking and navigation of trucks. An unidentified man, representing the petitioner, advised that the turning radius was sufficient for emergency vehicles to maneuver. Councilmember Paul requested that in the event of emergencies, a built in generator be installed wherever there was a lift station, as well as generators at each of the clubhouses. The man felt this was a good idea and was something to consider.

Vice-Mayor Crowley asked about the roadway to 76th Avenue. The man advised this was a 25-foot recreational trail. Vice-Mayor Crowley requested restrictions to prevent homeowners from opening the trail to vehicular traffic. The man advised that Council could include any restrictions to preserve the trail.

Mayor Truex asked about the house on 76th Avenue. Mr. Voight advised that the home had been removed and the single-family lot was in keeping with the character of 76th Avenue by preventing development from spreading in the future.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Vice-Mayor Crowley advised that he had met with staff, engineers and consultants. Councilmember Paul advised that she had spoken with Bill Laystrom.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve, subject to 1) Site Plan Committee recommendations, 2) installing a generator at the clubhouse, and 3) adding restrictive covenants to homeowner's association documents to preserve the trail as a trail. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

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6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 6.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
2006-10 APPROVING REZONING PETITION ZB 1-1-06, CHANGING THE
CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM
M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO M-3, PLANNED
INDUSTRIAL PARK DISTRICT; AMENDING THE ZONING MAP TO COMPLY
THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE. (ZB 1-1-06, Doumar, Allsworth et al/NationsRent, Inc, 6850 State
Road) *Planning and Zoning Board recommended approval {Approved on First
Reading April 5, 2006 - all voted in favor}*

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - out of room (Motion carried 4-0)

Resolution

- 6.2. **EVALUATION AND APPRAISAL REPORT** - A RESOLUTION OF THE TOWN
R-2006-122 COUNCIL OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE EVALUATION
AND APPRAISAL REPORT FOR THE TOWN OF DAVIE COMPREHENSIVE
PLAN; STATING THE INTENT OF THE TOWN COUNCIL TO AMEND THE
COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN
THE REPORT; AND APPROVING TRANSMITTAL OF THE REPORT TO THE
DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION
163.3191, FLORIDA STATUTES. (tabled from March 29, 2006)

Town Clerk Muniz read the resolution by title.

Planner Ingrid Allen summarized the goals of the EAR and advised that the Transportation Engineer to the Evaluation and Appraisal Report, Raj Shanmugan, was available for discussion with Council.

Mayor Truex opened the public hearing portion of the meeting.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, wanted assurance that deed restrictions for certain open space parcels would be observed. She was concerned about EPA recommendations on the report, such as sewers, which she felt would create financial hardships to the community. Ms. Nolan advised that the overall goal was to protect all the Town's parks.

Mayor Truex closed the public hearing.

Councilmember Paul wanted residents to be assured they would not be forced into using the Town's water and sewer because of the costs of installing these. Mayor Truex agreed with Councilmember Paul on this point. Vice-Mayor Crowley voiced his disapproval of septic tanks, which he felt negatively, impacted the waterways and the environment. Councilmember Caletka agreed with Councilmember Paul and advised that residents of United Ranches were against being forced into using the Town's water and sewer.

Mayor Truex referred to Issue 3-5 and wanted language clarified to state that the increased density would be in areas designated by Council. Ms. Nolan advised that Council's comments and requests would be incorporated into the master document. Mayor Truex asked for clarification on language

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referring to the Town's historical resources. Ms. Nolan advised that preservation of the Town's historic structures was also a goal of the EAR.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinances - First Reading (Second and final reading to be held May 3, 2006)

- 6.3. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 5-1-05 LONG KEY - FLAMINGO PARK, VACATING AND DEDICATING RIGHT-OF-WAYS AS SHOWN ON THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2, PAGES 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 5-1-05, Long Key-Flamingo Park, southwest corner of Flamingo Road and SW 36 Street) (reconsidered and tabled from April 5, 2006)*Planning and Zoning Board recommended approval contingent upon meetings with the resident and the retention for Bellsouth, if necessary*

This item was tabled earlier in the meeting.

- 6.4. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-9; AMENDING SECTION 2-73(b) OF THE DAVIE CODE OF ORDINANCES BY MERGING THE CHILD SAFETY BOARD AND THE DAVIE SCHOOL ADVISORY BOARD; DELETING SECTION 2-73(f) OF THE DAVIE CODE OF ORDINANCES"; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the May 3, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - out of room; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.5. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA AMENDING CHAPTER 13, LICENSES AND BUSINESS REGULATIONS OF THE CODE OF ORDINANCES BY DELETING ARTICLE IV ADULT ENTERTAINMENT AND MASSAGE PARLORS IN ITS ENTIRETY. PROVIDING ARTICLE IV ENTITLED SEXUALLY ORIENTED BUSINESS. PROVING FOR PURPOSE AND INTENT PROVIDING FOR DEFINITIONS; PROVIDING FOR A CLASSIFICATION OF SEXUALLY ORIENTED BUSINESSES, PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES; PROVIDING FOR FEES; PROVIDING FOR THE INSPECTION, EXPIRATION, SUSPENSION AND REVOCATION OF SEXUALLY ORIENTED BUSINESS; PROVIDING FOR HEARING AND APPEALS; PROVIDING FOR HOURS OF OPERATION; PROVIDING SUPPLEMENTAL REGULATIONS AND DESIGN STANDARDS PERTAINING TO SEXUALLY ORIENTED BUSINESS USES; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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Earlier in the meeting, Town Clerk Muniz read the ordinance by title. Mayor Truex advised there would be a public hearing on this item at the May 3, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting.

Marie Kaplan spoke against the current location of the Eden nightclub.

Mayor Truex closed the public hearing.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.6. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING CHAPTER 12 ENTITLED LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES PROVIDING FOR AN AMENDMENT TO SECTION 12-32 TABLE OF PERMITTED USES PERTAINING TO THE PROVISIONS OF ZONING DISTRICTS THAT WILL ALLOW SEXUALLY ORIENTED BUSINESS USES; AND TATTOO PARLORS. PROVIDING FOR AN AMENDMENT TO SECTION 12-34 DETAILED USE REGULATIONS PERTAINING TO LOCATION, DISTANCE AND CLASSIFICATION OF SEXUALLY ORIENTED BUSINESS USES; PROVIDING FOR AN AMENDMENT TO SECTION 12-503 DEFINITIONS PERTAINING TO SEXUALLY ORIENTED BUSINESS USE DEFINITIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS, PROVIDING FOR AN EFFECTIVE DATE.**

Earlier in the meeting, Town Clerk Muniz read the ordinance by title. Mayor Truex advised there would be a public hearing on this item at the May 3, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey requested that Mr. Burke explain the methodology of reports being submitted to rewrite the ordinance. Mr. Burke advised that the ordinance established distance separation requirements to minimize potential negative impacts to families and other aspects of community life.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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Items to be tabled

6.7. PETITIONER REQUESTING A TABLING TO MAY 3, 2006

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-2-04, Lorson One, LLC/POA, Acecon Construction Corp., 1275 SW 130 Avenue) (tabled from March 1, 2006) *Planning and Zoning Board recommended denial for the following reasons: that the proposed change will adversely affect living conditions in the neighborhood. The Board having received substantial credible evidence from those testifying determines that the proposed change will adversely affect the living conditions in this surrounding neighborhood; Subsection (e), the Board having received substantial credible evidence has determined that the proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or otherwise affect the public safety; Subsection (i), the Board having received substantial credible evidence from those testifying believes that there is not substantial reasons why the property cannot be used in accord with the existing zoning; therefore, the Board respectfully moves that the rezoning be denied*

This item was tabled earlier in the meeting.

6.8. PLANNING AND ZONING TABLED TO MAY 10, 2006; COUNCIL CAN TABLED TO JUNE 7, 2006

VA 3-1-06, Town of Davie, SW 26 Street, between Flamingo Road and SW 127 Avenue

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Agricultural Advisory Board (one exclusive appointment per Councilmember; terms expire April 2008) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

Councilmember Caletka appointed Jackie Daniels. Councilmember Paul appointed Jason Hurley.

7.2. Budget Advisory Committee Board (one exclusive appointment per Councilmember; terms expire April 2008) (members shall have experience in a financial related occupation, or similar skills)

Councilmember Starkey appointed Bob Preziosi. Mayor Truex appointed Scott Spages. Councilmember Caletka appointed Dan Barr. Councilmember Paul appointed Kerry Waldee.

7.3. Community Redevelopment Agency (one exclusive appointment - Councilmember Paul; term expires April 2010) (member shall either reside or engage in business within the jurisdiction of the Town)

Councilmember Paul appointed Julie Aitken.

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- 7.4. Education, Research and Training Authority (non-exclusive appointment; term expires May 2007)

Mayor Truex nominated Dan Barr. In a voice vote, all voted in favor. (Motion carried 5-0)

- 7.5. Davie Water and Environmental Advisory Board (one exclusive appointment per Councilmember; terms expire April 2008) (insofar as possible, one member shall be a licensed engineer)

Councilmember Paul appointed Don Prichard.

- 7.6. Open Space Advisory Committee Agency (two exclusive appointments per Councilmember; terms expire April 2008)

Councilmember Starkey appointed Linda Greck. Mayor Truex appointed Don Burgess. Vice-Mayor Crowley appointed his Frances Steier and Joyce Steward. Councilmember Paul appointed George Greb and Toni Webb. Councilmember Caletka appointed Paul Greenbaum.

- 7.7. Parks and Recreation Advisory Board Agency (two exclusive appointments per Councilmember; terms expire April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Starkey appointed Mike Bartlett. Mayor Truex appointed Doug Notman. Vice-Mayor Crowley appointed Mark Solomon. Councilmember Caletka appointed Tina Wright. Councilmember Paul appointed Stephen Waters and Carolina Oliveta.

- 7.8. Senior Citizen Advisory Committee (two exclusive appointments per Councilmember; terms expire April 2008) (members shall be a minimum 60 years of age)

Councilmember Paul appointed Marguerite Olsten and Sarita Jennings. Councilmember Starkey appointed Margaret Draudt and Alice McDonald. Mayor Truex appointed Betty Gemma. Vice-Mayor Crowley appointed his Lorraine Heylmann and Janet Nilsen. Councilmember Caletka appointed Marie Kaplan.

- 7.9. Unsafe Structures Board (two non-exclusive appointments - terms expire April 2008; permanent resident or have their principal place of business within the Town's jurisdiction; one appointment shall be an electrical contractor; one appointment shall be a registered architect)

Councilmember Starkey nominated Ed Woolslair. In a voice vote, all voted in favor. (Motion carried 5-0) [Editor's note - Mr. Woolslair's term was not up for appointment until April 2007]

- 7.10. Unsafe Structures Board (three non-exclusive appointments; terms expire April 2009) (permanent resident or have their principal place of business within the Town's jurisdiction; one appointment shall be a general building contractor, one appointment shall be a plumbing contractor, one appointment shall be an engineer and one appointment shall be a real estate property manager)

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve the list of approved appointments [item 7.9 - Daniel Belyeu and Same Engel, Jr.; item 7.10 - Doug Amos and Daniel Lavrich]. In a voice vote, all voted in favor. (Motion carried 5-0)

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OLD BUSINESS

There was no old business discussed.

8. NEW BUSINESS

8.1. Bulk Waste Service - Councilmember Caletka (tabled from March 29, 2006)

Councilmember Caletka spoke of his meeting with a representative of Waste Management. He advised that he would take another ride around to identify deficiencies in service.

8.2. Hurricane Generator Bill - Councilmember Starkey

Councilmember Starkey referred to bills being proposed in the House and Senate regarding generators in the event of power failures. In light of the upcoming storm season, she did not want to wait for the legislation to pass. Councilmember Starkey requested an ordinance that would require generators to be installed in new construction, gas stations and multi-family and multi-story dwellings. She also wanted an ordinance drafted which stated that any utility company operating within the Town and its limits have adequate generators.

Mayor Truex asked how many generators the City of Sunrise had. Mr. Cohen advised that Sunrise had indicated that it had purchased additional generators and they felt they were better prepared. Acting Utilities Director Bruce Taylor advised that he thought Sunrise had over 150 lift stations. Fire Chief Don DiPetrillo indicated that Sunrise had over 210 lift stations but not all of them were in the Town. Mayor Truex asked whether the Town could contact Sunrise to see if the city had adequate plans. Councilmember Starkey wanted the Town to take the lead in providing adequate power for the Town's residents in the upcoming hurricane season.

8.3. Hurricane Debris Removal - Councilmember Starkey

Councilmember Starkey voiced her concern about debris collection contractors and felt the Town could improve this service going forward. Mr. Cohen advised that staff had contacted other providers who would be willing to sign contracts at the same rate as AshBritt. However, FEMA might not recognize additional providers unless the Town went through the bid process for additional service providers. Mayor Truex did not think it was fair to add providers and secondary providers should be bid.

Vice-Mayor Crowley questioned if communication needs had been addressed as part of hurricane preparedness measures.

9. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

HURRICANE PREPAREDNESS. Mayor Truex advised that he and Chief DiPetrillo had attended the Broward County Council of Mayors the previous week, to discuss hurricane preparedness. He suggested that the Town consider a resolution addressing communication and utilities. Chief DiPetrillo advised that the report was intended as a guide to improving emergency management in Broward County. He added that staff would be meeting the following day to consider some of the recommendations and to discuss additional providers for cell phone communication.

BROADVIEW PARK. Mayor Truex requested an update on the Broadview Park study. Town Clerk Muniz advised that staff was reviewing the County's report and would have a final report for Council soon.

VICE-MAYOR CROWLEY

LANDSCAPING. Vice-Mayor Crowley spoke of homeowner's associations that were in violation for not replacing landscaping after last season's hurricanes. He felt it was too early for such violations as

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homeowner's associations needed more time to locate landscape material. Mayor Truex felt if Council gave leeway, the homeowner's associations should provide assurance that this was being addressed in a reasonable timeframe. Councilmember Caletka felt adequate time had passed for the Town to start enforcing violations, especially in District 1.

COUNCILMEMBER CALETKA

HISPANIC FEST. Councilmember Caletka spoke of the Hispanic Fest event, which he felt, ran too late. Mr. Cohen advised that staff had heard about these issues and would be requesting a weekend event in future.

COUNCILMEMBER STARKEY

NON-PROFIT AGENCIES. Councilmember Caletka requested that non-profit agencies provide tax certificates along with information on what their agencies provided for Davie.

MCBROOM PROPERTY. Councilmember Starkey spoke of concerns raised by Mr. McBroom regarding cows on his property at Hiatus Road and Orange Drive. She stressed the need for repairs to the fencing, which she felt, might be a liability and risk for the Town. Mr. McBroom thanked Council and staff for their efforts.

CERTIFICATES OF OCCUPANCY. Councilmember Starkey spoke of certificates of occupancy that were not being filed with the Broward County Property Appraiser in a timely manner.

COUNCILMEMBER PAUL

PROJECT STABLE. Councilmember Paul announced that April 23rd was Project Stable Day at Bergeron Rodeo.

10. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

11. TOWN ATTORNEY'S COMMENTS

No comments were provided.

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:56 p.m.

Approved _____

Mayor/Councilmember

Town Clerk